

BLANK ROME, LLP
Attorneys for Plaintiff
ERNST RUSS (FAR EAST) SHIPPING SERVICES GMBH
Thomas H. Belknap, Jr. (TB-3188)
The Chrysler Building
405 Lexington Ave.
New York, NY 10174-0208
(212) 885-5000

JUDGE RAKOFF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERNST RUSS (FAR EAST) SHIPPING
SERVICES GMBH,

Plaintiff,

-against-

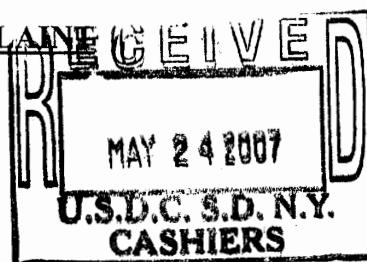
YANG FAN GROUP CO. LTD,

Defendant.

07 CIV 4068

07 Civ.

VERIFIED COMPLAINT



Plaintiff, ERNST RUSS (FAR EAST) SHIPPING SERVICES GMBH ("Plaintiff"), by its attorneys Blank Rome, LLP, complaining of the above-named Defendant, YANG FAN GROUP CO. LTD ("Defendant"), alleges upon information and belief as follows:

1. This is a case of admiralty and maritime jurisdiction, as hereinafter more fully appears, and is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. The Court has admiralty jurisdiction under 28 U.S.C. §1333.
2. At all material times, Plaintiff was and now is a foreign company with its offices at Alsterufer 10, 20354 Hamburg, Germany.
3. At all material times, Defendant was and is a foreign corporation or other business entity organized with its offices at Lujiazhi Shenjiamen Putuo Zhoushan Zhejiang 316100, People's Republic of China, and with no place of business in the United States.

4. Plaintiff was contractually engaged as a ship broker in respect of four separate shipbuilding contracts entered by Defendant in respect of hulls numbered 2801, 2802, 2803 and 2804.

5. Pursuant to those contracts, Plaintiff is currently owed by Defendant for commissions totaling \$111,000.

6. Although said commissions are presently due and owing, due to Defendant's breach of contract no part of said amounts have been paid to Plaintiff although duly demanded.

7. The subject contracts provide for arbitration of disputes in London. Plaintiff reserves its right to arbitrate the disputes pursuant to 9 U.S.C. § 8.

8. Maritime arbitrators in London routinely award interest, legal fees and arbitral costs to a successful party. Plaintiff estimates recoverable interest, allowable legal fees and costs will amount to at least \$50,000 in total.

9. The total aggregate amount of Plaintiff's claims for which Plaintiff requests issuance of Process of Maritime Attachment and Garnishment is **US\$161,000**

10. Defendant cannot be found within this district within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, but Defendant is believed to have or will have during the pendency of this action, assets within this district consisting of cash, funds, freight and/or hire credits in the hands of garnishees in this District, including but not limited to electronic fund transfers.

WHEREFORE, Plaintiff prays:

A. That process in due form of law issue against the Defendant, citing it to appear and answer under oath all and singular the matters alleged in the Complaint;

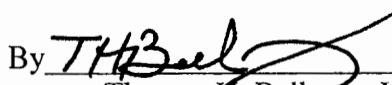
B. That since the Defendant cannot be found within this District pursuant to Rule B of the Supplemental Rules for Admiralty and Maritime Claims, this Court issue an Order

directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims, attaching all of Defendant's tangible or intangible property or any other funds held by any garnishee in the district which are due and owing or otherwise the property of to the Defendant up to the amount of **US\$161,000** to secure the Plaintiff's claims, and that all persons claiming any interest in the same be cited to appear and pursuant to Supplemental Admiralty Rule B answer the matters alleged in the Complaint;

- C. That this Court enter judgment for Plaintiff's damages plus interest and costs, or retain jurisdiction over this matter through the entry of a judgment on an arbitration award.
- D. That Plaintiff may have such other, further and different relief as may be just and proper.

Dated: New York, NY
May 23, 2007

Respectfully submitted,
BLANK ROME, LLP
Attorneys for Plaintiff
ERNST RUSS (FAR EAST) SHIPPING
SERVICES GMBH

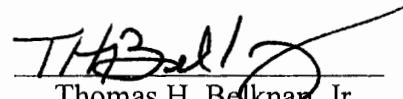
By 
Thomas H. Belknap, Jr. (TB-3188)
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VERIFICATION

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

Thomas H. Belknap, Jr., being duly sworn, deposes and says:

1. I am a member of the bar of this Honorable Court and of the firm of Blank Rome LLP, attorneys for the Plaintiff.
2. I have read the foregoing Complaint and I believe the facts alleged therein to be true.
3. The reason this Verification is made by deponent and not by Plaintiff is that Plaintiff is a foreign corporation, no officer or director of which is within this jurisdiction.
4. The sources of my information and belief are documents provided to me and statements made to me by representatives of the Plaintiff.


Thomas H. Belknap, Jr.

Sworn to before me this
23rd day of May 2007


Notary Public

ELAINE BONOWITZ
Notary Public, State of New York
No. 43-4893320
Qualified in Richmond County
Certificate Filed in New York County
Commission Expires May 11, 20—/—/

BLANK ROME, LLP
Attorneys for Plaintiff
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERNST RUSS (FAR EAST) SHIPPING
SERVICES GMBH,

Plaintiff,
-against-

YANG FAN GROUP CO. LTD,

Defendant.

07 Civ.

**AFFIDAVIT UNDER
SUPPLEMENTAL RULE B**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

THOMAS H. BELKNAP, JR., being duly sworn, deposes and says:

1. I am a member of the Bar of this Honorable Court and a member of the firm of Blank Rome, LLP, attorneys for the Plaintiff herein. I am familiar with the circumstances of the complaint and submit this affidavit in support of Plaintiff's request for the issuance of process of maritime attachment and garnishment of the property of defendant, ("Defendant"), a foreign corporation, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

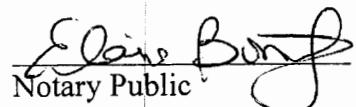
2. Defendant is a party to a maritime contract of charter party and is a foreign corporation with no office or place of business within this judicial district.

3. Under my supervision, my office did a search of the New York State Secretary of State, Division of Corporations, the Transportation Tickler, telephone assistance, and a general internet search.

4. In our search, we did not find any listing or reference to Defendant in this judicial district or the state of New York. In the circumstances, I believe Defendant cannot be found within this district.


THOMAS H. BELKNAP, JR.

Sworn to before me this
23rd day May, 2007


Elaine Bonowitz
Notary Public

ELAINE BONOWITZ
Notary Public, State of New York
No. 43-4893320
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